

REMARKS

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 60-95 are in the application.

The Examiner required a new title that is clearly indicative of the invention to which the claims are directed. A new title is submitted herein that is clearly indicative of the invention to which the claims are directed.

In addition, the Examiner objected to the specification and abstract. The specification and abstract have been amended herein and withdrawal of the objections is respectfully requested.

The Examiner objected to claims 74, 75, 81, 82, 86, 88, 93, and 94 due to a misuse of terminology. Claims 74, 81, 86, 88, and 93 have been amended herein and withdrawal of the objection is respectfully requested.

Claims 60-62, 84-85, 89-90, and 95 were rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis (U.S. Patent no. 5,596,639 A).

Independent claim 60, as amended herein, recites in part as follows:

“...generating an encryption key based on key data which is recorded to one or more predetermined regions on the same surface as the encrypted data and determined from a **wobbling frequency** of said recording medium yet is not part of said encrypted data...”
(Emphasis added)

It is respectfully submitted that Kikinis, as applied by the Examiner (hereinafter “Kikinis”) does not appear to disclose “encryption key based on key data which is ...determined

from a wobbling frequency.” Accordingly, amended independent claim 60 is believed to be distinguishable from Kikinis.

For reasons similar to those described above with regard to claim 60, amended independent claims 61, 62, and 95 are believed to be distinguishable from Kikinis.

Independent claim 84, as amended herein, recites in part as follows:

“...receiving said information in the form of encrypted data which represents said information, said encrypted data having been generated through the use of an encryption key, wherein said encryption key is based on random data which has been inserted in-between said encrypted data and recorded to the surface of said recording medium and which is not part of said encrypted data...” (Emphasis added)

On pages 7-8 of the present Office Action, the Examiner admitted that Kikinis is silent on the limitation that key data (encryption key) “depends on random data which has been inserted in-between said encrypted data” as in claim 84. Accordingly, amended independent claim 84 is believed to be distinguishable from Kikinis.

For reasons similar to those described above with regard to claim 84, amended independent claims 85 and 89 are believed to be distinguishable from Kikinis.

Claim 90 depends from claim 89 and, due to such dependency, is believed to be distinguishable from Kikinis for at least the reasons previously described.

Claims 63-64, and 91-92 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (U.S. Patent No. 5,596,639 A) as applied to claims 60-62 above, and further in view of Schneier Applied Cryptography and Adler (U.S. Patent No. 3,985,952).

Schneier has a copyright year of 1996. The present application, on the other hand, has claimed priority under 35 U.S.C. 119 based upon Japanese Application No. 7-267252 filed on October 16, 1995 in Japan. A certified copy of such foreign application was filed in the

parent Application Serial No. 08/721,310 having a filing date of October 15, 1996 which has matured into patent U.S. 5,917,910. A certified translation in English of this priority application (i.e., 7-267252) accompanies this Amendment. Accordingly, the present application has an effective filing date, which antedates the date of Schneier. As a result, it is respectfully submitted that Schneier is not an effective prior art reference against the present application.

Furthermore, although the applicant has asserted that Schneier is not an effective reference against the present application, such assertion is not a representation concerning distinctions and/or similarities between the present invention and Schneier. Applicant reserves their right to traverse any further rejection that may be presented on a similar document and having an earlier effective date.

Accordingly, withdrawal of the rejection to claims 63-64, and 91-92 is respectfully requested.

Claims 65-73, 76-80, 83, and 87 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis(U.S. Patent No. 5,596,639 A) as applied to claims 60-62 above, and further in view of Maebara et al. (U.S. Patent No. 6,084,966 A).

Maebara has a publication date of February 1, 1996 and a §102(e) date of April 8, 1996. The present application, on the other hand, has claimed priority under 35 U.S.C. 119 based upon Japanese Application No. 7-267252 filed on October 16, 1995 in Japan. A certified copy of such foreign application was filed in the parent Application Serial No. 08/721,310 having a filing date of October 15, 1996 which has matured into patent U.S. 5,917,910. A certified translation in English of this priority application (i.e., 7-267252) accompanies this Amendment. Accordingly, the present application has an effective filing date, which antedates

the dates of Maebara. As a result, it is respectfully submitted that Maebara is not an effective prior art reference against the present application.

Furthermore, although the applicant has asserted that Maebara is not an effective reference against the present application, such assertion is not a representation concerning distinctions and/or similarities between the present invention and Maebara. Applicant reserves their right to traverse any further rejection that may be presented on a similar document and having an earlier effective date.

Accordingly, withdrawal of the rejection to claims 65-73, 76-80, 83, and 87 is respectfully requested.

Claims 74-75, 81-82, 86, 88, and 93-94 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Maebara et al. as applied to claims 65-73, 76 or 80, 83 and 87 above, and further in view of Schneier Applied Cryptography.

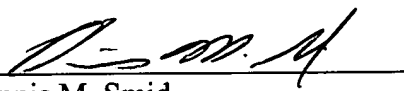
As previously stated, Maebara and Schneier are not effective prior art references. Accordingly, withdrawal of the rejection to claims 74-75, 81-82, 86, 88, and 93-94 is respectfully requested.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith
to Deposit Account No. 50-0320.

Respectfully submitted,

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